The
REPORTER
For Conscience' Sake

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Five Mennonite COs Convicted of Draft Violation

During the two-week period beginning December 3, 1956, five Mennonite COs were found guilty of violation of the Selective Service Act in the Federal Court in Philadelphia. All were from Lancaster County, Pennsylvania.

Aaron N. Holt had been classified as a conscientious objector but refused to report for civilian work. Earlier Martin had refused induction, but the Department of Justice refused to prosecute. Martin had not signed SSS Form 150, but the Department of Justice contended that the registrant's letter saying that he would not report for induction was, in effect, a claim for I-O classification. Judge Lord placed Martin on probation for two years on the condition that he fill out forms for agricultural deferment. If granted such deferment, he would be continued on probation; otherwise he would be sentenced to prison. When asked by Judge Lord why other Mennonites could do civilian work without violating their consciences, Martin replied that he was not responsible for the consciences of others.

Isaac M. Burkholder was found guilty by Judge Ganey, but sentencing was postponed.

Ray Stauffer Bauman was found guilty for refusing induction about a year ago.

Perhaps the most impressive court appearance was made by Aaron W. Hoover, who was found guilty and sentenced for two years in prison. According to George Willoughby, Secretary of Central Committee for Conscientious Objectors, who furnished most of the

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President Again Refuses Amnesty For COs

The White House has again refused to grant amnesty to WWII violators of the Selective Service Act. On December 4, 1956, Sherman Adams, The Assistant to the President, said, "The President cannot grant any blanket amnesty to violators of the Selective Service Act at this time."

In giving his reasons for such an attitude on the part of the President, Sherman Adams referred to the position taken by the White House in 1954 when a similar request for amnesty was made. At that time the position of the President was set forth in a letter by Mr. Maxwell M. Rabb, Presidential Assistant especially concerned with matters of minority groups. Mr. Rabb stated at that time that even though the country is no longer involved in any active warfare, amnesty for WWII violators is still unwarranted.

Mr. Rabb pointed out the "internal and external enemies which still threaten all of us and threaten the very rights and liberties we both cherish. This threat is so great that our government is still drafting young men for defense, and is urging other free nations to build the strongest possible shield to preserve our common freedoms. Against this national and international background, there is strong feeling that it would be both inconsistent and unwise for our Government, at this time, to grant blanket pardons to men who in the Amnesty Board's words have 'set themselves up as wiser and more competent than society to determine their duty to come to the defense of the Nation!'"

The Amnesty Board appointed by President Truman in 1947 had considered 15,805 cases of Selective Service violators and recommended only 1,523 for pardon. The Justice Department estimated that at least 6,000 of the WWII violators were conscientious objectors, but many other observers would place this estimate at a higher figure.

Sherman Adams, in his statement of December 4, 1956, stated that there was no absence of change in world conditions since 1954, and therefore no basis for a change in the conclusion stated in Mr. Rabb's letter which turned down the request for amnesty.

On December 1, this year, a poster walk urging amnesty for WWII objectors was conducted in front of the White House in Washington.

CO FILM PLANNED

Some 30 representatives of various religious agencies voted unanimously in a recent meeting to produce a motion picture film portraying the alternatives available to conscientious objectors in lieu of military service. Meeting at the Atlantic Hotel in Chicago on November 19, the group also voted unanimously to set up a production committee composed of representatives from each group interested in seeing such a film produced. The committee would be related administratively to the National Service Board for Religious Objectors and would counsel with the film producing agency on such matters as—content, script, length, costs, etc.

During the course of the meeting it was pointed out that a number of organizations had been concerned over the lack

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Interesting Work Opportunities Available For I-Ws

A farm manager at the International Christian University near Tokyo, Japan, and an agriculturalist to work with a Brethren Service sub-unit of a Church World Service team in cooperation with UNKRA (United Nations Korean Relief Administration) in a rural center about 100 miles south of Seoul, Korea, are two interesting work opportunities available for I-Ws which have recently come to the attention of NSBRO. The person to serve as a farm manager with the International Christian University would help the University get their farm going by supplying the practical know-how of an American farmer. The individual would live at the University and work with the Japanese students as well as with the faculty.

The agriculturist would work in a community rehabilitation project 100 miles south of Seoul, Korea. This is a Church World Service UNKRA project. Also needed are persons with any of the following backgrounds: Doctor, nurse, agriculturalist (either general or specialist), community home economist, or home demonstration person, a person experienced in farm cooperatives, etc.

Interested individuals should contact the Brethren Service Commission, 22 South State Street, Elgin, Illinois.

CO Film

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of available information with regard to the provisions under the law for conscientious objectors. It was noted that there was voluminous material available to young men on the opportunities afforded in the various branches of the armed forces. However, there is little or no information available to these same young people on the alternatives provided under the law in place of military service.

In the course of the five hour meeting three motion picture films were shown as examples of what had or could be done in this whole area. With this as background material the meeting was opened for general discussion. There was considerable debate as to whether the film should deal primarily with the facts concerning present alternatives allowed under the Selective Service law or primarily with the underlying philosophy and motives of the peace position. This led to the idea that perhaps two or more films were needed, one dealing with CO alternatives and one dealing with underlying philosophies.

There was general agreement that high school age youth were the persons to which the film would be primarily aimed. It is at this age just prior to their eighteenth birthday, when young men must register for the draft that complete information is needed.

The comment was made that there should not be too much of a distinction made between the needs of church and non-church young people. It was suggested that all young people ask basically the same questions and face many of the same problems and that this should be kept in mind in the production of any film.

In its report to the meeting the Committee on CO Information was optimistic in the prospects for wide distribution of such a film in the various churches, synagogues, high schools, and community organizations. This feeling was based on the fact that many denominations and counsellors of youth are attempting to help young people face the crucial issue of the draft and are asking for additional materials on alternatives for conscientious objectors. Some suggested channels of distribution were: Denominational film libraries, local Councils of Churches, National Council of Churches, public libraries, and other religious and secular agencies.

The group agreed: (1) That the film should mention the I-A-O (noncom-

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Miner Discharged After Pentagon Action

Loren Miner, a conscientious objector whose convictions developed after he was already in the Army, finally secured a discharge on November 27, 1956, after action by the Pentagon. Miner's discharge had been turned down by his commanding officers and there seemed to be no chance of an appeal until the case was brought to the attention of the Department of the Army headquarters in Washington. The case was then called in for review and a discharge followed. This is in line with the procedures described in the November Reporter.

Miner's discharge was effected under the provisions of paragraph 2 of Army Regulation 605-205, Discharge for the Convenience of the Government. This paragraph gives general authority for discharge of those cases not covered by any other regulation.

JW SENTENCED TO 5½ YEARS PRISON BY AIR FORCE

Orval Cupp, Dayton, Virginia, a recent Jehovah's Witness convert, was sentenced to five and a half years of hard labor and dishonorably discharged from the Air Force recently because he would not salute officers or take orders. Cupp told the Air Force that no matter what the court martial decided, he would not obey orders which went against his religious convictions.

In an excellent editorial on the case, the New York Post stated that the real question is "Whether the military should impose any penalty at all on cases of this kind. The Selective Service boards recognize the rights of conscientious objectors even in wartime. Surely it is not beyond the capacities of the Pentagon bureaucracy to devise a system whereby men already in service who undergo religious conversion can state their case. If their beliefs are judged to be sincere and compelling, they could receive transfer to a special noncombatant unit or an honorable discharge.

"The inner light of belief or dissent may kindle at any time in any man's mind whether he is in or out of uniform. Every man's rights of conscience are enshrined in the first article of the Bill of Rights. The military services should see to it that the exercise of those rights is not impaired or punished in the name of discipline."

COs Must Request Second Physical Exam

(The article below was written by NSBRO Attorney Advisor, Robert B. Myers.)

Selective Service, in an article in its monthly publication, SELECTIVE SERVICE, has taken a position that could work to the disadvantage of COs. In substance, the article stated that the Courts have ruled that I-O registrants, unlike I-A-O's and I-A's, do not need to be physically examined within four months of being ordered to I-W work. The article set forth that the following, and other, cases have so held:

U. S. v. MANNS, 232 F2d 709, CCA7

U. S. v. THOMAS, 124 F. Supp 411 (Ill.)

It is true that the Courts in the above cases, and apparently in several other unreported cases, held that I-O's may be treated differently than inductees into the Military Service insofar as the *time* for physical exams is concerned. However, this point has never been argued in the Supreme Court, and I doubt that it is the "settled point of law" that Selective Service claims.

Selective Service Local Board Memo #28 provides that when a physical examination is more than 120 days old, the registrant shall be given a complete examination at the time of induction.

On the other hand, Selective Service Operations Bulletin #70 provides: "It is not necessary that Class 1-O registrants be re-examined in the event they are not ordered to report within the 120 days following completion of their first mental and physical exam."

In the above cited cases, the Court ruled that Local Board Memo #28 applied only to persons being inducted into military service—and proceeded to state that inasmuch as the registrants had shown no disqualifying physical or mental difficulties on their questionnaires, and had not asked the Board for another physical exam, they had failed to show that they were prejudiced.

It is difficult to believe that in the final analysis, the Courts of our land will set up two standards of "procedural due process," one for Class I-O registrants and another for Class I-A-O and I-A registrants. All three classes are ordered by the government to two years of "involuntary" service.

Mennonite COs

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above information to NSBRO, Hoover did an excellent job of stating his case before the court. Hoover said his religious beliefs prevent him from "serving a master other than God". Hoover said that Mennonites believe their obligation to the government requires them to go no further than paying taxes. He stated that he was not guilty in his conscience, that his kingdom was not of this earth.

Hoover also stated that the CO provisions in the draft law satisfied the consciences of many men. His conscience required complete exemption and he was asking only for equal rights under the law for his religious beliefs.

Hoover had been in jail for two months awaiting trial and appeared in the court room in prison garb. Before pronouncing sentence Judge Barksdale stated, "This case is distressing to me because no one has more respect for the Mennonite religion and beliefs of its members than I. But I also have an obligation to uphold the laws of the land and I must fulfill that obligation."

All five of the CO defendants refused the services of an attorney.

Associate Secretary Appointed To Pastoral Position

Edgar Metzler, Associate Secretary for NSBRO for the last two and one half years, has accepted an appointment as pastor of the First Mennonite Church, Kitchener, Ontario, as of January 1, 1957. Metzler came to NSBRO as the Associate Executive Secretary on July 15, 1954. He is a graduate of Goshen College and also took post graduate work at the University of Pittsburgh and Goshen College Biblical Seminary.

Since coming to NSBRO as the Associate Executive Secretary, Metzler's responsibilities have been many and varied. His primary work has been counselling with and giving information to individual conscientious objectors having trouble getting their CO classifications. However, in the interim between the time when the former Executive Secretary left and the new Executive Secretary arrived, a period of four months, Metzler was the acting Executive Secretary.

The carrying out of his responsibility required contacts with the Defense Department, Selective Service Headquarters, Presidential Appeal Board, Justice Department, and Supreme Court. More recently his responsibility was enlarged to include the editorship of THE REPORTER.

Among many other things Metzler was instrumental in helping to secure a broader interpretation from the Department of Justice on the current immigration and naturalization act.

In accepting the resignation of Edgar Metzler as Associate Executive Secretary of the National Service Board of Religious Objectors, the members of the Board wish to record their sincere and heartfelt appreciation for the loyalty, faithfulness, and effectiveness with which he has discharged his responsibilities. In a field of work which requires thorough study, complete knowledge of the law and regulations, careful consideration of all the facts, and the exercise of unusual judgment, Edgar Metzler has excelled, and in so doing has rendered invaluable service not only to hundreds of conscientious objectors but to the entire cause of freedom of conscience. We view his leaving with deep regret, but our thoughts and prayers will be with him as he undertakes the responsibilities in line with his convictions regarding God's call to the location of the Christian ministry."

Accompanying Metzler to Kitchener, Ontario, will be his wife Ethel and their two children, Michael and Mary Martha.

(Ed. note: In next month's issue of THE REPORTER there will be an article introducing the new Associate Secretary.)

NISSEN RECEIVES CITIZENSHIP AFTER APPEAL

The Reverend Frederick P. Nissen, Lawrence, Massachusetts, was granted citizenship and permitted to take the modified oath as a conscientious objector on November 26, 1956. Nissen had appealed from an adverse decision by Judge Aldrich in the U. S. District Court in Boston on March 7.

Nissen, 48, has lived in the United States since 1927. Because of his conscientious objection to war, his first application for citizenship was denied in 1933. A second petition, 1952, was also denied even though the naturalization law had been changed to provide an alternate oath for conscientious objectors. In court last March Nissen had

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Nissen Receives Citizenship

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stated that his beliefs as a CO were not due to any teaching that he had received and were not a doctrine of his church. At that time the judge ruled that Nissen's objections to war "however conscientious, were self-imposed, and self-conceived without the operation of affirmative religious training."

The judge's rigid definition of "religious training", if it had been allowed to stand, would have made it difficult for many COs to secure citizenship. Judge Aldrich had said, "This ruling does not suggest training is limited to instruction in a school. It may be no more formal than parental teaching. But if the pupil goes beyond the teacher, and deduces what he was never taught, can he be said to have reached that belief through training."

Reverend Nissen is pastor of the Evangelical Lutheran Church of the Redeemer, Lawrence, Massachusetts.

CO Film

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batant) position briefly; (2) that the film should develop extensively the I-O and I-W (alternative service) position as a major thrust; (3) that it should mention the nonregistrant position in passing but that it not be a major point in the film.

Organizations represented at the meeting were as follows: Methodist Board of World Peace, National Council of Churches, Women's International League for Peace and Freedom, Evangelical and Reformed Church, Brethren Service Commission, Lutheran Pacifist Fellowship, Association of Bible Students, Fellowship of Reconciliation, American Friends Service Committee, Mennonite Central Committee, Central Committee for Conscientious Objectors, Church of God, National Service Board for Religious Objectors, Seventh Day Adventists.

SEYMOUR EICKEL FOUND GUILTY AFTER REFUSAL TO REGISTER

Following family tradition, Seymour Eickel of Brooklyn, New York, was found guilty on November 21 of failing to register for Selective Service. His father, Julius, twice was prosecuted for the same offense and his uncle, Albert E. Eickel, also served 28 months in the federal prison for draft violation.

Eickel was found guilty in an hour long trial without jury before Judge Inch in Brooklyn. Judge Inch asked Eickel after the verdict, "Will you register now?"

"No", Eickel said firmly. He faces a maximum sentence of five years in prison and $10,000 fine. Sentencing was set for December 21.

Eickel presented a five-page, single spaced typed statement in court setting forth his convictions. He held that participation in a war is a crime against humanity."

During World War I the elder Eickel was sentenced to twenty years at hard labor for failure to register for the draft but was pardoned by President Harding after serving 26 months. In the second World War he was arrested for the same offense but the government did not prosecute.

Seymour Eickel has refused to register and although Selective Service knew of his convictions on the matter he was not arrested until just before his 26th birthday.

COs Give Aid To Hungarian Refugees

Reports of how conscientious objectors are aiding thousands of refugees streaming across the Hungarian border into Austria are currently reaching the Washington office of NSBRO. The COs for the most part are serving under the auspices of church agencies such as the American Friends Service Committee, the Brethren Service Commission, and the Mennonite Central Committee. The following account includes portions of a report made by Wilbur Mullen, Director of Brethren Service relief work in Kassel, Germany.

"At 20.45 we arrived at the transit camp in Eisenstadt, pulled on our evangelical Helswerk-Brethren Service Commission insignia arm bands and entered through a large court yard gate. The four or five Austrian police just inside the gate were friendly, recognized the arm band and the name Helfswerk.

"One woman in bed had been given a sedative to quiet her. She had lost her husband and her mother but she started for the border with her 13-year-old daughter. In route she became ill, was hospitalized in Hungary, the 13-year-old daughter crossed the border without her mother. Now the mother had been released from the hospital, crossed the border and was terribly upset because she didn't know where to begin looking for her 13-year-old daughter. After administering the sedative the Red Cross, through its tracing service, began a search.

"Eisenstadt Camp has 1,700 people tonight. The phone rang. Another load of 60 might arrive. How many blankets have we? The folks will have to be placed on the floor in the school. Ten per cent of the blankets disappear daily. Transports are received up until 22.00 or 23.00 hours each day. Mornings the people are moved further by bus. Usually they go to Vienna or other ports of importance in inter-Austria.

"Medications are sufficient at present. Considering the average illness in a village of 2,000 people, plus the fact that refugees often come through water, plus the fact that people have been under heavy strain, the illness and physical condition of the folks is about normal.

"The stories flow from people. One man drove his car with his family clear to the border, got out and then walked 16 kilometers before crossing the border and to avoid passing by Soviet troops. . . . Several women and one or two men hobble out. One man asked for a doctor and the camp leader takes care of his need. . . . Babies, children, boys, girls, men, women—when will it be quiet in this room, how will they sleep? The women are very industrious and are preparing the beds. Some people have brought blankets with them and do not need the blankets available from the camp. One woman has not had diapers for changing her baby since Sunday. . . . A boy in this large room looks around without a bit of hesitation—walks over to the corner and slugs a bed. We discovered his mother and father were shot and injured and taken to the hospital. He has crossed the border independently.

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